

REMARKS

Claims 16-30 are pending in this application. By this Amendment, claims 16 and 17 are amended. Support for the amendments to claims 16 and 17 may be found at least at paragraphs [0058], [0063] - [0067] and [0079] of Applicant's specification. Claims 27-30 are added. Support for added claims 27-30 may be found at least at paragraphs [0066], [0079] and [0123] and Figs. 6, 10 and 36 of Applicant's specification. No new matter is added. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Applicants note that the publication of this application does not illustrate the figures filed with this application.

Claims 18-26 are currently withdrawn as drawn to non-elected species. Claim 16 is generic to all species. Claims 18-21, 23 and 24 variously depend from claim 16. Therefore, upon allowance of claim 16, claims 18-20, 23 and 24 should be rejoined and allowed as well. It is also respectfully submitted that claims 22, 25 and 26 are sufficiently related to claim 16. Therefore, upon allowance of claim 16, rejoinder and allowance of claims 22, 25 and 26 are respectfully requested.

The Office Action, on page 3, rejects claim 16 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,006,480 to Rook. The Office Action, on page 5, rejects claims 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over WO 01-44593 to Kitagawa in view of U.S. Patent No. 4,788,803 to Seitz. These rejections are respectfully traversed.

Claim 16 recites, among other features, each of the roof structural members is configured so that an upper end of each of the roof structural members forms an opening at a top of the roof when the roof structural members are assembled together, and a lower end of each of the roof structural members forms an interlocking portion interlocked with an upper

end of one of the peripheral wall structural members; and each of the peripheral wall structural members is configured so that the upper end of each of the peripheral wall structural members forms an interlocking portion interlocked with the interlocking portion formed at the lower end of one of the roof structural members, and a lower end of each of the peripheral wall structural members forms an interlocking portion interlocked with an interlocking portion formed at a foundation.

Rook is directed to a housing system that uses foam filled cement and fiberglass clad panels and cement fiberglass moldings to construct modular housing (Abstract). The Office Action asserts that Rook teaches the combination of all of the features recited in independent claim 16. The analysis of the Office Action fails for at least the following reason.

Rook, in Figs. 1-6, illustrates a housing system. The housing system in Rook does not have roof structural members configured so that an upper end of each of the roof structural members forms an opening at the top of the roof. Rather, Rook teaches a housing system with a closed roof. Further, there is nothing in Rook that can be considered to correspond to the claimed interlocking portions at the lower end of each of the roof structural members, the upper end of each of the peripheral wall structural members, and the lower end of each of the wall structural members, as recited in claim 16.

For at least the foregoing reasons, Rook fails to teach the combination of all of the features recited in independent claim 16.

Accordingly, reconsideration and withdrawal of the rejection of claim 16 under 35 U.S.C. §102(b) as being anticipated by Rook are respectfully requested.

Kitagawa is directed to a prefabricated dome that has a plurality of dome pieces constituted of styrene foam that are joined and bonded to one another to form a semispherical living space (Abstract). The bases of the dome pieces in Kitagawa are locked to the foundation so as to restrict the upward movement of the plurality of dome pieces. The Office

Action concedes that Kitagawa fails to teach the roof being formed by assembling a plurality of roof structural members. Rather, the Office Action relies on Seitz, in its disclosure of a modular insulated building structure, to make up for this shortfall.

Seitz is directed to a building structure that includes an upstanding substantially vertical wall portion constructed from a plurality of interlocking wall sections and forming a closed shape (Abstract). The Office Action asserts that Seitz, in Fig. 1, illustrates a prefabricated house comprising a plurality of interlocking roof structural members placed on top of a peripheral wall. The Office Action further asserts that it would have been obvious to one of ordinary skill to have combined Seitz with Kitagawa to quickly and easily replace individual members of the roof when necessary.

The combination of Seitz with Kitagawa would not have rendered obvious the combination of all of the features recited in independent claim 16. Both Kitagawa and Seitz illustrate dome structures that do not have an opening at the top of the roof, as recited in claim 16. Further, there is nothing in Kitagawa or Seitz that can be considered to correspond to the claimed interlocking portions at the lower end of each of the roof structural members, upper end of the peripheral wall structural members and lower end of the peripheral wall structural members as recited in claim 16.

For at least the foregoing reasons, no combination of Seitz with Kitagawa would have rendered obvious the combination of all of the features recited in independent claim 16. Further, dependent claim 17 would also not have been rendered obvious for at least the dependence of this claim on claim 16, as well as for the separately patentable subject matter that claim 17 recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Kitagawa in view of Seitz are respectfully requested.

Added claims 27-30 are neither taught, nor would they have been rendered obvious, by any of the currently-applied references for at least the dependence of these claims on independent claim 16, as well as for the separately patentable subject matter that each of these claims recites.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 16 and 17, rejoinder and allowance of claims 18-26, and consideration and allowance of claims 27-30, are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Petition for Extension of Time

Date: September 7, 2010

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